

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

JESSIE RAY DAVIS,	§	
Petitioner,	§	
	§	
VS.	§	CIVIL ACTION NO.4:06-CV-168-Y
	§	
NATHANIEL QUARTERMAN, ¹	§	
Director, T.D.C.J.	§	
Correctional Institutions Div.,	§	
Respondent.	§	

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS
(With special instructions to the clerk of Court)

In this action brought by petitioner Jessie Ray Davis under 28 U.S.C. § 2254, the Court has made an independent review of the following matters in the above-styled and numbered cause:

1. The pleadings and record;
2. The proposed findings, conclusions, and recommendation of the United States magistrate judge filed on June 16, 2006; and
3. The Petitioner's written objections to the proposed findings, conclusions and recommendation of the United States magistrate judge filed on July 7, 2006.

The Court, after de novo review, concludes that Petitioner's objections must be overruled, that the motion for summary judgment should be granted, and that the petition for writ of habeas corpus should be denied for the reasons stated in the magistrate judge's findings and conclusions, and for the additional reasons set forth in the respondent's motion for summary judgment at 3-5, and 6-7.

Therefore, the respondent's motion for summary judgment [docket no. 8] is GRANTED.

¹As Nathaniel Quarterman has replaced Douglas Dretke as the Director of the Texas Department of Criminal Justice, Correctional Institutions Division, he should be substituted as Respondent. FED R. CIV. P. 25(d)(1). The clerk of Court is directed to make this change on the docket of this case.

The findings, conclusions, and recommendation of the magistrate judge are ADOPTED.

Petitioner Jessie Ray Davis's petition for writ of habeas corpus is DENIED.

SIGNED July 11, 2006.

A handwritten signature in black ink, appearing to read "Terry R. Means", is written over a horizontal line.

TERRY R. MEANS

UNITED STATES DISTRICT JUDGE